

The Offices of  
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**FACSIMILE TRANSMISSION**

TO: Commissioner for Patents  
ATTENTION: Richard Ross  
FAX-NO.: (571) 273-0459  
FROM: Henry M. Feiereisen  
APPL. NO. 10/069,423  
FILED: February 19, 2002 (as corrected)  
DOCKET NO: BERTELSHOFER  
TYPE OF PAPER: 1. Petition to Correct Filing Date  
2. Amendment Pursuant to 37 C.F.R. 1.312(a)  
DATE: October 11, 2004  
NO. OF PAGES (including this page): 8 pages  
MESSAGE: DELIVER DIRECTLY TO EXAMINER

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11 OCT 2004

Legal Staff  
International Division**CERTIFICATION OF FACSIMILE TRANSMISSION**

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Henry M Feiereisen

Name of Representative

Signature

10-11-2004

Date

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**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Docket No.: BERTELSHOFER

<b>In re Application of:</b>	)
<b>THOMAS BERTELSHOFER et al.</b>	) Examiner: Johnson, Vicky A
<b>Appl. No.: 10/069,423</b>	) Group Art Unit: 3682
<b>Filing Date: February 19, 2002 (as corrected)</b>	)
<b>For: TENSIONER FOR A TRACTION DRIVE (as amended)</b>	)

**PETITION UNDER 37 C.F.R. §1.10(c)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
SIR:

Applicant hereby petitions the Commissioner to accord the filing date of February 19, 2002, instead of February 17, 2002, to above-identified patent application.

Enclosed are:

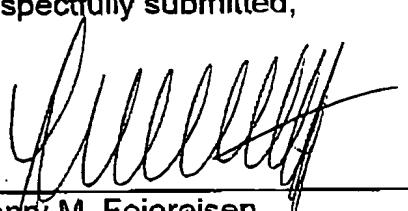
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- 2) A true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS (stamped date) relied upon to show the date of deposit.

Docket No: BERTELSHOFER  
Appl. No: 10/069,423

Under the circumstances presented herewith, it is applicant contention that a filing date of February 19, 2002 should be accorded to the above-referenced patent application, and acknowledgement of this fact is respectfully requested.

Respectfully submitted,

By:

  
Henry M. Feiereisen  
Agent for Applicant  
Reg. No. 31,084

Date: October 11, 2004  
350 Fifth Avenue  
Suite 4714  
New York, N.Y. 10118  
(212) 244-5500  
HMF:ub

Express Mail No.: **EV 063148864 US**Date: **February 19, 2002**

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

ANTONELLA FUSILLO  
(Name of person mailing paper or fee)


  
(Signature)

<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371</b>		Attorney's Docket No: <b>BERTELSHOFER</b>
INTERNATIONAL APPLICATION NO. <b>PCT/EP00/07142</b>	INTERNATIONAL FILING DATE <b>26 July 2000</b>	PRIORITY DATE CLAIMED <b>17 August 1999</b>

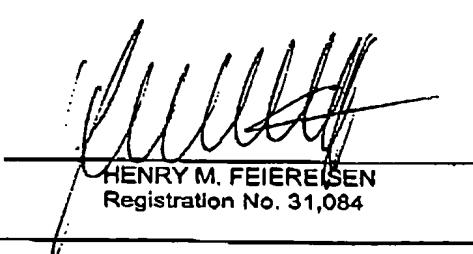
**TITLE OF INVENTION****TENSIONER FOR A TRACTION DRIVE****APPLICANT(S) FOR DO/EO/US****THOMAS BERTELSHOFER, ALFRED STRASSER, THOMAS EBNER & ANDREAS LANG**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1.  This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.
2.  This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.
3.  This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4.  A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5.  A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a.  is transmitted herewith (required only if not transmitted by the International Bureau).
  - b.  has been transmitted by the International Bureau.
  - c.  is not required, as the application was filed in the United States Receiving Office (RO/US)
6.  A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7.  Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a.  are transmitted herewith (required only if not transmitted by the International Bureau).
  - b.  have been transmitted by the International Bureau.
  - c.  have not been made; however, the time limit for making such amendments has NOT expired.
  - d.  have not been made and will not be made.
8.  A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9.  Original or facsimile of an oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10.  A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11. to 16. concern other document(s) or information included:**

11.  An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12.  An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13.  A FIRST preliminary amendment.  
 A SECOND or SUBSEQUENT preliminary amendment.
14.  A substitute specification.
15.  A change of power of attorney and/or address letter.
16.  Other items or information: International Search Report and Form PTO-1449/ Form PCT/IB/308

U.S.APPLICATION NO. (If known, see 37 CFR 1.5)	INTERNATIONAL APPLICATION NO.	ATTORNEY'S DOCKET NO.																																																												
	<b>PCT/EP00/07142</b>	<b>BERTELSHOFER</b>																																																												
<p><b>17. [X] The following fees are submitted :</b>  <b>BASIC NATIONAL FEE (37 C.F.R. 1.492(a)(1)-(5):</b></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">[X] For filing with EPO or JPO search report (37 C.F.R. 1.492(a)(5))</td> <td style="width: 20%; text-align: right;">\$ 890.00</td> <td style="width: 20%; text-align: right;"><b>\$ 890.00</b></td> </tr> <tr> <td>[ ] International preliminary examination fee paid to USPTO (37 C.F.R. 1.492(a)(1))</td> <td style="text-align: right;">\$ 710.00</td> <td></td> </tr> <tr> <td>[ ] No International preliminary examination fee paid to USPTO (37 C.F.R. 1.492(a)(2)) but international search fee paid to USPTO (37 C.F.R. 1.445(a)(2))</td> <td style="text-align: right;">\$ 740.00</td> <td></td> </tr> <tr> <td>[ ] Neither international preliminary examination fee paid to USPTO (37 C.F.R. 1.492(a)(3)) nor international search fee paid to USPTO (37 C.F.R. 1.445(a)(2))</td> <td style="text-align: right;">\$1,040.00</td> <td></td> </tr> <tr> <td>[ ] International preliminary examination fee paid to USPTO (37 C.F.R. 1.492(a)(4)) and all claims satisfied provisions of PCT Articles 33(2)-33(4)</td> <td style="text-align: right;">\$ 100.00</td> <td></td> </tr> </table> <p><b>Surcharge of \$130.00 for furnishing the oath or declaration later than [ ] 20 [ ] 30 months from the earliest claimed priority date (37 CFR 1.492(e)).</b></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;">Claims</td> <td style="width: 25%;">Number Field</td> <td style="width: 25%;">Rate</td> <td style="width: 25%;"></td> </tr> <tr> <td>Total Claims</td> <td style="text-align: center;">37-20</td> <td style="text-align: right;">x \$ 18.00</td> <td style="text-align: right;"><b>\$ 306.00</b></td> </tr> <tr> <td>Independent Claims</td> <td style="text-align: center;">2-3</td> <td style="text-align: right;">x \$ 84.00</td> <td></td> </tr> <tr> <td>Multiple dependent claims (if applicable)</td> <td></td> <td style="text-align: right;">x \$280.00</td> <td></td> </tr> <tr> <td colspan="3" style="text-align: right;"><b>TOTAL OF ABOVE CALCULATIONS</b></td> <td style="text-align: right;"><b>\$1,196.00</b></td> </tr> <tr> <td>[ ] Applicant claims small entity status pursuant to 37 C.F.R. 1.27. Reduction by 1/2 for filing by small entity.</td> <td colspan="2"></td> <td style="text-align: right;">SUBTOTAL</td> <td style="text-align: right;"><b>\$1,196.00</b></td> </tr> <tr> <td colspan="3">Processing fee of \$130.00 for furnishing the English translation later than [ ] 20 [ ] 30 months from the earliest claimed priority date 37 CFR 1.492(f).</td> <td style="text-align: right;">TOTAL NATIONAL FEE</td> <td style="text-align: right;"><b>\$1,196.00</b></td> </tr> <tr> <td colspan="3">Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +</td> <td style="text-align: right;">TOTAL FEES ENCLOSED</td> <td style="text-align: right;"><b>\$ 40.00</b></td> </tr> <tr> <td colspan="3"></td> <td style="text-align: right;">Amount to be refunded</td> <td style="text-align: right;"><b>\$1,236.00</b></td> </tr> <tr> <td colspan="3"></td> <td style="text-align: right;">charged</td> <td></td> </tr> </table> <p>a. [X] A check in the amount of <u>\$1,236.00</u> to cover the above fees is enclosed.</p> <p>b. [ ] Please charge my Deposit Account No. <u>06-0502</u> in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. [X] The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>06-0502</u>. A duplicate copy of this sheet is enclosed.</p> <p><b>NOTE:</b> Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b) must be filed and granted to restore the application to pending status.</p> <p><b>Send all correspondence to:</b></p> <p>HENRY M. FEIEREISEN 350 Fifth Avenue Suite 3220 New York, N.Y. 10118 (212) 244-5500 Date: February 19, 2002</p> <p style="text-align: right; margin-top: 20px;">   <b>HENRY M. FEIEREISEN</b>      Registration No. 31,084   </p>			[X] For filing with EPO or JPO search report (37 C.F.R. 1.492(a)(5))	\$ 890.00	<b>\$ 890.00</b>	[ ] International preliminary examination fee paid to USPTO (37 C.F.R. 1.492(a)(1))	\$ 710.00		[ ] No International preliminary examination fee paid to USPTO (37 C.F.R. 1.492(a)(2)) but international search fee paid to USPTO (37 C.F.R. 1.445(a)(2))	\$ 740.00		[ ] Neither international preliminary examination fee paid to USPTO (37 C.F.R. 1.492(a)(3)) nor international search fee paid to USPTO (37 C.F.R. 1.445(a)(2))	\$1,040.00		[ ] International preliminary examination fee paid to USPTO (37 C.F.R. 1.492(a)(4)) and all claims satisfied provisions of PCT Articles 33(2)-33(4)	\$ 100.00		Claims	Number Field	Rate		Total Claims	37-20	x \$ 18.00	<b>\$ 306.00</b>	Independent Claims	2-3	x \$ 84.00		Multiple dependent claims (if applicable)		x \$280.00		<b>TOTAL OF ABOVE CALCULATIONS</b>			<b>\$1,196.00</b>	[ ] Applicant claims small entity status pursuant to 37 C.F.R. 1.27. Reduction by 1/2 for filing by small entity.			SUBTOTAL	<b>\$1,196.00</b>	Processing fee of \$130.00 for furnishing the English translation later than [ ] 20 [ ] 30 months from the earliest claimed priority date 37 CFR 1.492(f).			TOTAL NATIONAL FEE	<b>\$1,196.00</b>	Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +			TOTAL FEES ENCLOSED	<b>\$ 40.00</b>				Amount to be refunded	<b>\$1,236.00</b>				charged	
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